



6351-01-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent to Extend Collection Number 3038-0080, Annual Report for Chief Compliance Officer of Registrants

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (“CFTC” or “Commission”) is announcing an opportunity for public comment on the proposed extension of a collection of certain information by the agency. Under the Paperwork Reduction Act (“PRA”), Federal agencies are required to publish notice in the *Federal Register* concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the collections of information mandated by Commission Regulation 3.3 (Chief Compliance Officer).

DATES: Comments must be submitted on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: You may submit comments, identified by “Annual Report for Chief Compliance Officer of Registrants,” and Collection Number 3038-0080 by any of the following methods:

- The Agency’s web site, at <http://comments.cftc.gov/>. Follow the instructions for submitting comments through the web site.

- Mail: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- Hand Delivery/Courier: Same as Mail above.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>.

FOR FURTHER INFORMATION CONTACT: Pamela M. Geraghty, Special Counsel, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, (202) 418-5634, email: pgeraghty@cftc.gov.

SUPPLEMENTARY INFORMATION: Under the PRA,¹ Federal agencies must obtain approval from the Office of Management and Budget (“OMB”) for each collection of information they conduct or sponsor. “Collection of Information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the *Federal Register* concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

¹ 44 U.S.C. 3501 *et seq.*

Title: Annual Report for Chief Compliance Officer of Registrants (OMB Control No. 3038-0080). This is a request for an extension of a currently approved information collection.

Abstract: On April 3, 2012, the Commission adopted Commission Regulation 3.3 (Chief Compliance Officer)² under sections 4d(d) and 4s(k)³ of the Commodity Exchange Act (“CEA”). Commission Regulation 3.3 requires each futures commission merchant (“FCM”)⁴, swap dealer (“SD”)⁵, and major swap participant (“MSP”)⁶ to designate, by filing a form 8-R, a chief compliance officer who is responsible for developing and administering policies and procedures that fulfill certain duties of the SD, MSP, or FCM and that are reasonably designed to ensure the registrant’s compliance with the CEA and Commission regulations; establishing procedures for the remediation of noncompliance issues identified by the chief compliance officer; establishing procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues; preparing, signing, certifying and filing with the Commission an annual compliance report that contains the information specified in the regulations; amending the annual report if material errors or omissions are identified; and maintaining records of the registrant’s compliance policies and procedures and records related to the annual report. The information collection obligations imposed by Commission Regulation 3.3 are essential to ensuring that FCMs, SDs, and MSPs maintain comprehensive policies and

² 17 CFR 3.3.

³ 7 U.S.C. 6d(d) and 6s(k).

⁴ For the definition of FCM, see section 1a(28) of the CEA and Commission Regulation 1.3(p). 7 U.S.C. 1a(28) and 17 CFR 1.3(p).

⁵ For the definition of SD, see section 1a(49) of the CEA and Commission Regulation 1.3(ggg). 7 U.S.C. 1a(49) and 17 CFR 1.3(ggg).

⁶ For the definitions of MSP, see section 1a(33) of the CEA and Commission Regulation 1.3(hhh). 7 U.S.C. 1a(33) and 17 CFR 1.3(hhh).

procedures that promote compliance with the CEA and Commission regulations. In particular, the Commission believes that, among other things, these obligations (i) promote compliance behavior through periodic self-evaluation, (ii) inform the Commission of possible compliance weaknesses, (iii) assist the Commission in determining whether the registrant remains in compliance with the CEA and Commission regulations, and (iv) help the Commission to assess whether the registrant has mechanisms in place to adequately address compliance problems that could lead to a failure of the registrant. With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from

disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.⁷

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: In light of the contraction in the number of Commission-registered SDs and FCMs since the Commission promulgated Regulation 3.3, the Commission is revising its estimate of the burden for this collection. Accordingly, the respondent burden for this collection is estimated to be as follows:

Number of Registrants: 171.

Estimated Average Burden Hours Per Registrant: 1006.

Estimated Aggregate Burden Hours: 172,026.

Frequency of Recordkeeping: Annually or on occasion.

(Authority: 44 U.S.C. 3501 *et seq.*)

⁷ 17 CFR 145.9.

Dated: April 9, 2019.

Robert Sidman,

Deputy Secretary of the Commission.

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